

(1898) 04 MAD CK 0006
In the Madras High Court

Sitharama Sastrulu and Others

APPELLANT

Vs

Suryanarayana Sastri

RESPONDENT

Date of Decision : 01-04-1898

Acts Referred:

Citation : (1898) 8 MLJ 183

Judgement

1. We are unable to accept the judgment of the lower appellate Court as one made in conformity with the law as laid down in Section 574, Civil

Procedure Code. There is no express statement of the points for determination or of the decision on such points or the reasons for the decision. All

we find is a general reference to the Munsif's judgment as containing the views of the Judge. Such a general and wholesale adoption of the

judgment of the Court of first instance cannot be considered as a sufficient compliance with the law. The judgment of the appellate Court should

show on the face of it that the points in dispute were clearly before the mind of the Judge and that he exercised his own discrimination in deciding

them. There is no indication that such was the case here. We must, therefore, reverse the lower appellate Court's decree, and direct that the

appeal be restored to the file and disposed of according to law.

2. Costs will abide and follow the result.